

Message Text

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DRAFTED BY EUR/SE:RRDELABARRE:VSS

APPROVED BY EUR:AAHARTMAN

EUR/SE:NCLEDSKY

L - MR. SCHWEBEL

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P 082357Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY ANKARA PRIORITY

INFO AMEMBASSY ATHENS PRIORITY

AMEMBASSY NICOSIA PRIORITY

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY PARIS

USMISSION NATO

AMEMBASSY BONN

USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 222637

E.O. 11652:GDS

TAGS: PFOR, PLOS, GR, TU

SUBJECT: AEGEAN DISPUTE

1. TURKISH AMBASSADOR ESENBEL SAW ASST SECY HARTMAN UNDER INSTRUCTIONS SEPT 8 TO EXPLAIN TURKISH POSITION ON AEGEAN SINCE NEW YORK MEETING OF CAGLAYANGIL AND BITSIOS.

2. ESENBEL REPORTED THAT IT WAS CAGLAYANGIL IN NEW YORK WHO HAD PROPOSED TO BITSIOS A MEETING ON THE AEGEAN SEPT

11. BITSIOS SAID THAT HE WOULD SEEK INSTRUCTIONS FROM

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ATHENS. ON HIS RETURN TO ANKARA, CAGLAYANGIL RECEIVED

GREEK RESPONSE THAT OPERATIONS OF THE SISMIK HAD TO STOP BEFORE A DATE COULD BE SET FOR TALKS, AND THAT ONLY THEN WOULD THE GREEKS ASK THE INTERNATIONAL COURT OF JUSTICE (ICJ) NOT TO RULE ON THEIR REQUEST FOR AN INJUNCTION. SINCE THE GREEKS NOW KNOW THAT THE SISMIK WILL TERMINATE ITS OPERATIONS ON SEPT 25, THE GREEK POSITION AMOUNTS TO A "TRICK" OR "DOUBLE TALK". IF THE COURT DECIDES TO ISSUE AN OPINION, SUCH ACTION WOULD MOST LIKELY TAKE PLACE BEFORE SEPT 25.

3. THUS, ESENBEL SAID, THE TURKS FEEL THE GREEKS ARE ATTEMPTING TO SHOW THE WORLD THEY ARE EAGER TO NEGOTIATE WHILE QUIETLY PURSUING THEIR CASE BEFORE THE ICJ. INDEED

THE ICJ HAD ASKED THE GREEKS AFTER THE UN SECURITY COUNCIL RESOLUTION OF AUGUST 25 WHETHER THEY WERE STILL INTERESTED IN PURSUING THEIR COURT APPLICATION. THE GREEKS SAID YES, AND SUBMITTED A NEW APPLICATION ON AUGUST 30 TO THE COURT TO RESOLVE ANY DOUBT OF THEIR INTENT. THEN ON SEPT 3 THE GREEKS APPROACHED THE UNSC AGAIN REGARDING THE LATEST ACTIVITIES OF THE SISMIK.

4. ESENBEL STATED THAT IF THE COURT RULES IN FAVOR OF GREECE, BY REQUESTING TURKEY TO SUSPEND SISMIK OPERATIONS, THIS WOULD BE "DETRIMENTAL" TO THE FUTURE COURSE OF TALKS. THE BEST COURSE FOR THE COURT TO FOLLOW WOULD BE TO WITHHOLD ANY DECISION UNTIL AFTER SEPT 25.

5. HARTMAN ASKED ESENBEL IF THIS TURKISH POSITION WAS BEING CONVEYED DIRECTLY TO THE COURT. ESENBEL SAID NO, ONLY TO FRIENDLY COUNTRIES, WHO ARE REPRESENTED ON THE COURT, IN THE HOPE THAT THEY WOULD BRIEF THEIR JUDGES ON THE POLITICAL ASPECT OF THE CASE AND APPRISE THEM OF THE TURKISH VIEW THAT A COURT DECISION SHOULD BE DEFERRED.

6. HARTMAN EXPLAINED THAT IT WOULD BE HIGHLY IRREGULAR FOR GOVERNMENTS REPRESENTED ON THE COURT TO APPROACH THEIR RESPECTIVE REPRESENTATIVES. HE SUGGESTED THAT TURKEY, AS A PARTY, APPROACH THE COURT DIRECTLY. ESENBEL RESPONDED THAT THE TURKS PREFER NOT TO PRESENT POLITICAL

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ARGUMENTS TO THE COURT.

7. ESENBEL ALSO EXPRESSED TURKISH CONCERN THAT THE GREEKS ARE NOT PREPARED TO WITHDRAW THEIR BASIC REQUEST THAT THE ICJ DECIDE WHERE THE AEGEAN CONTINENTAL SHELF BOUNDARY LIES. ALL THEY WILL DO, SAID ESENBEL, IS REQUEST THE ICJ TO KEEP THIS MATTER IN ABEYANCE IF BILATERAL TALKS BEGIN. BUT THE GREEKS CLEARLY HAVE NEVER WANTED, AND ARE

NOT PREPARED NOW TO ENTER BILATERAL NEGOTIATIONS.

8. HARTMAN THANKED ESENBEL FOR HIS DESCRIPTION OF TURKISH POSITION BUT REITERATED THE SUGGESTION THAT THE TURKS CONSIDER DIRECT APPROACH TO COURT TO CONVEY THEIR POSITION AND OFFERED NO HOPE THAT US WOULD MAKE EFFORT AT ANY LEVEL TO DELAY OR INTERFERE WITH ICJ DECISION. KISSINGER

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